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6449	7590	09/27/2002			
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1425 K STRI SUITE 800	EET, N.W.		BUGAISKY, GABRIELE E		
WASHINGTON, DC 20005				ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Gabriele E. BUGAISKY 1633			Application No.		applicant(s)			
## Examiner Sabride E. BUGAISKY 1953 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address — **Period for Reply** A SHORTENDE OSTATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(e). In no evert, however, may a neply be timely filled in the period for engly specified store, the meanum stabutory period will apply and will expire SK (8) MCNT-55 from the mailing date of this communication in the period for reply is specified store, the meanum stabutory period will apply and will expire SK (8) MCNT-55 from the mailing date of this communication in the period for reply specified store, the meanum stabutory period will apply and will expire SK (8) MCNT-55 from the mailing date of this communication in the period of the communication of the communication of the period of the period of the communication of the period of the period of the communication of the period of	Office Action Summers							
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Application/Control Number: 09/897,465

Art Unit: 1653

Election/Restrictions

This application contains claims directed to methods of use of the following patentably distinct compounds, (which have different primary structures) of the claimed invention: specific peptides of SEQ ID NO:3-13. Applicant is required under 35 U.S.C. 121 to elect a method of use of a single disclosed compound for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner will also examine an method of use of the generic peptide of SEQ ID NO:1. Currently, no claims are limited to a specific peptide.

Applicant is advised that a reply to this requirement must include an identification of the peptide or nucleic acid that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election

This election requirement is not be construed as a species election, as these compounds do not share a common primary structure and appear to be patentably distinct.

Should applicant traverse on the ground that these different compounds are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (703)308-4201. The examiner can normally be reached on 8:15-12:15 M, 8:15-1:15 Tu-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4242 for regular communications and 703 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 708 308-0196.

Gabriele E. BUGAISKY Primary Examiner Art Unit 1653

September 26, 2002

GABRIELLE BUGAISKY PRIMARY EXAMINER